

ORIGINAL**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION****FILED**
2006 APR 13 P 3:21
CLERK OF COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM SMITH, JR., #179571,

Petitioner,

CIVIL NO. 06-11738

v.

HONORABLE PAUL V. GADOLA

WILLIAM SMITH, JR.,

Respondent.
_____ /**ORDER OF DEFICIENCY FOR PRISONER CIVIL ACTION**

This is a civil action filed by a plaintiff who is a prisoner. The filing fee for a civil action is \$250.00. Plaintiff has failed to pay the filing fee or to apply in the manner required by law to proceed without prepayment of the filing fee. Under the Prison Litigation Reform Act, if a prisoner wishes to proceed without prepayment of the filing fee, the prisoner must file a certified trust account statement and an affidavit of indigence. See 28 U.S.C. § 1915(a)(2); *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997). Plaintiff has failed to pay the filing fee or submit an application to proceed without prepayment of the filing fee.

Accordingly, within 30 days from the filing date of this notice, Plaintiff must submit the \$250 filing fee or, alternatively, file the required Prisoner's Application to Proceed Without Prepayment of Fees and Costs and Authorization to Withdraw from the Trust Fund Account, a current Certification/Business Manager's Account Statement, and a statement of Trust Fund Account (or institutional equivalent) for the six-month

period immediately preceding the filing of the complaint. See *McGore*, 114 F.3d at 605.

Should Plaintiff fail to pay the filing fee or to file the required documents described above, the district court must presume that he is not proceeding *in forma pauperis*. *Id.* In that case, the district court must assess the entire filing fee and order the case dismissed for want of prosecution. *Id.* If Plaintiff's action is dismissed under these circumstances, it will not be reinstated even if Plaintiff subsequently pays the filing fee. *Id.*

Dated: April 13, 2006

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

CERTIFICATION

I certify that, on the date indicated below, I arranged for service as provided above, and I mailed a copy of this order to petitioner(s).

APR 13 2006

Dated: _____



Deputy Clerk